

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:10CR146
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
RICHARD COSTANZO,	)	
THERESA COSTANZO,	)	
JANNA WASKO and	)	
MICHAEL WASKO,	)	
	)	
Defendants.	)	

This matter is before the court on the motions to disclose by defendants Theresa Costanzo ([Filing No. 48](#)) and Michael Wasko ([Filing No. 61](#)), and Michael Wasko's motion for production of **Brady** material ([Filing No. 59](#)). Theresa Costanzo and Michael Wasko request an order requiring the government to disclose all inducements given to cooperating witnesses. In its response to Theresa Costanzo's motion, the government concedes it must disclose such material under **Giglio v. United States**, 405 U.S. 150 (1972), and **Brady v. Maryland**, 373 U.S. 83 (1963), but disputes the timing of such disclosure ([Filing No. 49](#)). Theresa Costanzo responds that such information is needed now in order to prepare for trial rather than shortly before trial as suggested by the government ([Filing No. 53](#)).

The court finds it sufficient that disclosure of any inducements given to cooperating witnesses shall be disclosed by the government to the defendants in this case at least fourteen (14) calendar days before the start of trial. Likewise, the disclosure of any **Brady** material shall be disclosed at least fourteen (14) calendar days before the commencement of the trial or upon discovery of such material if such discovery shall occur later than fourteen (14) calendar days prior to trial.

**IT IS ORDERED:**

1. Theresa Costanzo's motion to disclose ([Filing No. 48](#)) and Michael Wasko's motion to disclose ([Filing No. 61](#)) are granted to the extent the government shall disclose

such information at least **fourteen (14)** calendar days prior to the commencement of the trial of this matter.

2. Michael Wasko's motion for **Brady** material ([Filing No. 59](#)) is granted. The government shall make any such material available to the defendants at least fourteen (14) calendar days before the commencement of trial or upon discovery of such material if such discovery shall occur later than fourteen (14) calendar days prior to trial.

#### **ADMONITION**

Pursuant to [NECrimR 59.2](#) any appeal of this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 21st day of June, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge